

To: [REDACTED] submissions@afca.org.au
Cc: [AFCA Review](#); [REDACTED]
Subject: AFCA Engagement Charter consultation
Date: Wednesday, 31 March 2021 2:32:17 PM

To AFCA,

In reference to your draft Engagement Charter consultation;

A review of your document shows a stark contrast between your stated intent and your practice. I presume that you are aware of your appalling reputation, if you have any doubt, just Google it!

Here are a few points from our recent experience;

1. “efficient and cooperative.”

We had a simple complaint made against us in September 2020. Despite it being without merit it drags on to this day unresolved. Not efficient.

2. “impartial and independent – we do not advocate for either party or their position”

This is nonsense! You have a well-deserved reputation for doing all you can to find any excuse for finding in favour of the consumer.

As an example; A credit cleaning lawyer made a complaint about a default listing on the basis that the client was a gambler so should never have been given credit.

Ironically, the purpose of this complaint was to allow the gambler to apply for a loan.

We were aware of the gambling and had established that the client did not gamble beyond his means and had met all his financial obligations, before and since.

Despite what seems like an open and shut case, your representative went trawling through the correspondence for an excuse to keep the case open.

The latest issue to emerge was about the heading on a letter. This is not an approach with regard to the balance of evidence, but a perversion of the process.

Regarding the “representative” credit cleaning lawyers;
The system is being perverted by the credit cleaners ability to blackmail credit providers with the threat of AFCA fees for adjudication.
The crooked lawyer can be wrong on as many points as they like, even change the basis for the dispute, and has total immunity.
We on the other hand, are to pay the outrageous cost of the dispute, win or lose. (\$ in the thousands!)

As a result it is being reported that many credit providers that are moving away from mainstream credit reporting bureau's because of the hassle they are getting from credit repair people to get people's default listings removed.

Additionally, the absurd cost of winning a dispute has led to a widespread practice of removing defaults without due cause or contest.

This undermines the integrity of the system. This practice has

- emboldened the credit cleaning industry,
- undermined the validity of credit checks,
- reduced the due diligence applied by many credit providers,
- exposed lenders to unnecessary risk by removing valid defaults.
- and exposed borrowers to inappropriate credit.

The cost of the dispute should be borne by the shark lawyer if they lose, not the credit provider regardless of the outcome.

The AFCA rules need to be altered so that disputes are resolved on the balance of evidence rather than the current one-sided arrangement.

P.S.

I used our recent dispute as an example of what is wrong with the system, not with any expectation that you look at that case in any detail.

Kind regards, Barry Connop.

All-Set Rentals